

HOUSE BILL 852

By Eldridge

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 10, Part 1, relative to certain motor
vehicle accidents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-101, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section unless the context otherwise requires:

(1) "Bodily injury" includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty";

(2) "Serious bodily injury" means bodily injury that involves:

- (A) A substantial risk of death;
- (B) Protracted unconsciousness;
- (C) Extreme physical pain;
- (D) Protracted or obvious disfigurement; or
- (E) Protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty;

(b) The driver of any vehicle involved in an accident resulting in bodily injury to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, and render reasonable assistance to the injured person as required in § 55-10-103. Such driver shall also remain at the scene of the accident until the driver has fulfilled the informational requirements of § 55-10-103. To the extent possible, the driver should stop the vehicle in a location that does not obstruct traffic and, if not possible, in a location where traffic is least obstructed.

(c) The requirements of this section apply to accidents occurring upon highways and any parking lot or other premises that is open to and generally frequented by the public at large.

(d)

(1) A violation of subsection (a) is a Class A misdemeanor if the accident results in bodily injury to another.

(2) A violation of subsection (a) is a Class E felony if the accident results in serious bodily injury to another.

(3) A violation of subsection (a) is a Class D felony if the accident results in the death of another.

(4) A violation of subsection (a) is a Class C felony if the accident results in bodily injury or serious bodily injury to another and the driver knew or reasonably should have known that the accident resulted in such injury.

(5) A violation of subsection (a) is a Class B felony if the accident resulted in serious bodily injury to or the death of another and:

(A) The driver knew or reasonably should have known that serious bodily injury or death resulted from the accident;

(B) The driver's intoxication was the proximate result of the accident;

(C) The accident occurred within an area designated as a fifteen miles per hour (15 mph) school zone and proper signs were posted, a warning flasher or flashers was in operation and children were actually present; or

(D) The accident occurred within an area where reduced speed limits, as set by the department of transportation pursuant to § 55-8-153,

were in effect and when employees of the department of transportation or construction workers were present.

(e) Any sentence imposed for a violation of this section shall be served consecutive to any sentence imposed for the violation of any other provision of law arising from the same conduct that resulted in the accident.

(f) In addition to the punishment set out in subsection (b), upon conviction the judge shall order the department to revoke the license or permit to drive and any nonresident operating privilege of a person convicted of a violation of this section. The period of such revocation shall be:

- (1) One (1) year for a violation of subdivisions (d)(1) or (d)(2);
- (2) Two (2) years for a violation of subdivisions (d)(3) or (d)(4); and
- (3) Three (3) years for a violation of subdivision (d)(5).

SECTION 2 . This act shall take effect July 1, 2007, the public welfare requiring it.